IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA 1928

WP(C).No. 583 of 2007(T)

PETITIONER:

DR.SURESH, AGED 31 YEARS,
S/O. CHAMI, KANHIRANGATTIL, ALANALLUR,
MANNARKKADU, PALAKKAD (DT.), KERALA.

BY ADV. SRI.M.B.PRAJITH

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE STATION HOUSE OFFICER,
   MANNARKKADU POLICE STATION, MANNARKKADU.

3. STATION HOUSE OFFICER,
   MURAR POLICE STATION, MURAR, GWALIOR,MADHYAPRADESH

4. STATE OF MADHYAPRADESH,
   REP. BY PUBLIC PROSECUTOR, 7TH ADDL.SESSIONS COURT
   GWALIOR CITY, MADHYAPRADESH.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.583 of 2007

Dated this the 5th day of January, 2007

JUDGMENT

The petitioner is a medical practitioner and he is summoned by the 7th Additional Sessions Court, Gwalior as a witness in S.T.26 of 2002. As he did not appear before the court, warrant of arrest was issued against him. He rushed to this Court with a petition under Article 226 of the Constitution and by order dated 31.10.2006, a copy of which is produced as Ext.P4, this Court indulgently issued directions in favour of the petitioner obliging him to appear before the learned Sessions Judge at Gwalior within a stipulated period of time. That period has now expired. The petitioner has not entered appearance. He had filed an application before the Gwalior Court to exempt him from appearance which was dismissed. The petitioner, it is submitted, is challenging the said order before the High Court, Madhya Pradesh, Gwalior Bench. The petitioner has come to this Court again with a request that execution of warrant against him may be stayed for a further reasonable period to facilitate his approaching the Madhya Pradesh High Court. The petitioner is bed ridden also, it is submitted.

2. I am satisfied, that the petitioner must seek appropriate interim order from the Madhya Pradesh High Court, he having

already moved the Sessions Court and having suffered an order. There is no merit or grace in the petition requesting for further interference in modifying the order.

3. This petition is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

rtr/-